

HCS SCS SB 213 -- INCAPACITATED PERSONS AND THE UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT

This bill changes the laws regarding incapacitated persons and authorizes Missouri to enter into the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

INCAPACITATED PERSONS (Sections 194.115, 475.060, and 475.061, RSMo)

Any child, parent, or sibling of a deceased person may petition a court to order an autopsy or postmortem examination be performed if the deceased person was incapable of giving consent prior to his or her death due to injury, illness, or mental capacity.

The bill changes the specified information that must be stated in a petition for a person to appoint himself or herself or another qualified person as the guardian of an incapacitated person.

UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT (Sections 475.501 - 475.555)

The bill authorizes Missouri to enter into the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act which:

- (1) Allows a court to treat a foreign country as if it were a state for the purpose of applying certain provisions of the act;
- (2) Allows a court to communicate with an out-of-state court concerning a guardianship or protective proceeding;
- (3) Allows a court to request an out-of-state court to:
  - (a) Hold an evidentiary hearing;
  - (b) Order an individual to produce evidence or give testimony;
  - (c) Order that an evaluation or assessment be made of a respondent;
  - (d) Order any appropriate investigation of an individual involved in a guardianship or protective proceeding;
  - (e) Forward to the court of this state a certified copy of the transcript or other record of an evidentiary hearing or any other proceeding, any evidence otherwise produced, and any evaluation or assessment prepared in compliance with a court order;
  - (f) Issue any order necessary to assure the appearance in the proceeding of a person whose presence is necessary for the court

to make a determination, including the respondent or the incapacitated or protected person; and

(g) Issue an order authorizing the release of medical, financial, criminal, or other relevant information in that state, including specified protected health information;

(4) Allows testimony taken in another state from a witness who is located in another state to be offered by deposition or other means allowable in this state;

(5) Permits a court to allow a witness located in another state to be deposed or to testify by telephone, audiovisual, or other electronic means;

(6) Specifies when a court of this state has jurisdiction to appoint a guardian or to issue a protective order for a respondent;

(7) Specifies that when a court of this state is otherwise lacking jurisdiction it has special jurisdiction for specified guardianship actions;

(8) Specifies that a court which has appointed a guardian or issued a protective order has exclusive and continuing jurisdiction over the proceeding until it is terminated by the court or the appointment or order expires by its own term;

(9) Allows a court to decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum;

(10) Allows a guardian or conservator to petition the court to transfer the guardianship or conservatorship to another state;

(11) Specifies that if a guardian has been appointed in another state and a petition for the appointment of a guardian is not pending in this state, the guardian may register, after giving notice to the appointing court of an intent to register, the guardianship order in this state by filing as a foreign judgment in a court, in any appropriate county of this state, a certified copy of the order and letter of office;

(12) Specifies that if a conservator has been appointed in another state and a petition for a protective order is not pending in this state, the conservator may register, after giving notice to the appointing court of an intent to register, the protective order in this state by filing as a foreign judgment in a court, in any appropriate county of this state, a certified copy of the order and letter of office and of any bond; and

(13) Specifies that upon registration of a guardianship or protective order from another state, the guardian or conservator may exercise in this state all powers authorized in the order of appointment except those powers prohibited under the laws of this state.